

**REMARKS**

After entry of the amendment, claims 1, 3-15, 20 and 22 are pending.

Claims 2, 16-19, 21 and 23 are canceled without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of these claims in one or more divisional applications.

No new matter is added. Support for the amended claims is found at least on page 6, lines 4-6 and 14-16. Favorable reconsideration and allowance of the claims are requested.

**The Claimed Invention**

As discussed on page 1 of the specification, it is often desirable to deliver a notification to an intended recipient, and then obtain a confirmation that the intended recipient has indeed received and read the content of the notification. Embodiments of the present invention provide a system, method and computer-readable medium that respectively achieve at least this objective.

For example, one embodiment of the claimed invention (claim 1) is directed to confirming that a predetermined recipient of an information-bearing notification has received and read the notification. The method includes storing voice characteristic data of the predetermined recipient, and receiving an information-bearing notification from a sender of the notification. The information-bearing notification, which includes a word sequence, is presented to the predetermined recipient, and an audio input is accepted in response to presenting the word sequence.

The method in accordance with this embodiment further includes determining whether the accepted audio input includes the predetermined recipient speaking the presented word sequence, and comparing voice characteristic data of the intended recipient to the accepted audio input to determine if the accepted audio input substantially matches the voice characteristic data. Then, if the accepted audio input matches the presented word sequence and substantially matches the voice characteristic data, a confirmation is transmitted to the sender of the notification.

**The Rejection Under 35 U.S.C. §101 - Claims 1-15.**

As discussed above, at least one embodiment of the present invention (claim 1) is directed to a “method for confirming that a predetermined recipient of an information-bearing notification has received and read the notification.” Applicants submit that the claimed invention recites both a purpose and result that are useful, concrete and tangible.

The Examiner is respectfully requested to withdraw the 35 U.S.C. §101 rejection. If the Examiner refuses to withdraw the rejection under 35 U.S.C. §101, he is requested to provide in the next correspondence an explanation of why the claimed invention does not provide a “useful, concrete and tangible result,” and is considered to be an “abstract methodology,” rather than merely stating so in a conclusory manner (on page 3 of the Office Action).

**U.S. Patent No. 5,920,838 to Mostow et al.**

Mostow is directed to a computer implemented reading tutor (see, e.g., Title, Abstract, claim 1). Mostow states that “[i]n its **broadest form**, the present invention is directed to a computer implemented **reading tutor** comprising a player for outputting a response.” (col. 2, lines 16-18, emphasis added). A tutoring function compares the output of the speech recognizer to the text which was supposed to have been read and generates a response, as needed. (col. 2, lines 21-23).

**The Rejection Under 35 U.S.C. §102(b) - Claims 1-15 and 20-23**

In contrast to Mostow, which discloses a reading tutor that does not use, or even consider, a user’s voice characteristic data, claim 1 of the present invention recites “storing voice characteristic data of the predetermined recipient,” and “comparing the voice characteristic data to the accepted audio input to determine if the accepted audio input substantially matches the voice characteristic data.” For at least this reason, Mostow does not anticipate the claimed invention.

In further contrast to Mostow, the claimed invention is directed to a method for “confirming that a **predetermined** recipient of an information-bearing notification has received and read the notification.” (Claim 1, emphasis added). Mostow does not teach or suggest, let alone disclose, anything with regard to a predetermined recipient. Accordingly, Mostow does not suggest or disclose “storing voice characteristic data of the predetermined recipient,” as recited in the claimed invention. Still further in contrast to Mostow in this

regard, the claimed invention transmits a confirmation to the sender if the accepted audio  
“substantially matches the voice characteristic data.” In contrast, Mostow does not all  
consider voice characteristic data, for any purpose. For at least these reasons, Mostow does  
not anticipate the claimed invention.

Dependent claims 2-15 recited allowable subject matter by virtue of their dependency  
from claim 1. Independent claims 20 and 22 have been amended in a manner similar to claim  
1, and are also patentable over Mostow.

### **CONCLUSION**

For all the reasons advanced above, Applicants respectfully submit that the rejections have been overcome and must be withdrawn. Accordingly, Applicants request that the application be passed to issue.

In view of the foregoing, Applicants submit that the cited prior art does not disclose or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, that is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why each of the claims described above are distinguishable over the cited prior art.

Appl.No.09/772,651  
Amdt. dated October 24, 2003  
Reply to Office action of July 28, 2003

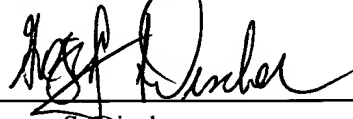
**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to deposit account no. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 08-0219.

Respectfully submitted,

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